

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

**CIVIL NO. 1:04CV251
(1:00CR74)**

RICHARD ALLEN JACKSON,)
Petitioner,)
Vs.) **ORDER**
UNITED STATES OF AMERICA,)
Respondent.)

THIS MATTER is before the Court on the Respondent's Opposition to Petitioner's Motion for Extension of Time to File Supplemental Materials, filed December 1, 2005.

The Respondent, citing *Williams v. Taylor*, 189 F.3d 421, 430 (4th Cir. 1999), argues in this response that the necessity for the Petitioner to proceed on an *ex parte* basis must be tested in an adversarial posture. In *Williams*, the Circuit held that it is not permissible to establish the need for proceeding *ex parte* without the Respondent being provided notice of the reasons therefor. The Court finds that this point is well taken, especially in this case

in which the Petitioner originally disclosed to the Respondent his reasons for requesting investigatory services.

IT IS, THEREFORE, ORDERED that the Petitioner's response to the Order of November 18, 2005, shall comply with the above-cited case.

The Clerk of Court is instructed to serve this Order on the Petitioner's counsel via facsimile forthwith.

Signed: December 2, 2005



Lacy H. Thornburg
United States District Judge

